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PETITION FOR REVIVAL OF ABANDONED FILE

June 23, 2003

The office of Petitions
The Commissioner
United States Department of Commerce
Patent and Trade Mark Office
Washington D.C. 20231

03 JUL 23 11:12:55

Re: Revival of Abandoned application
Applicant: Yash P. Sharma
Application Number: 09/474,677
Examiner: Ronald D. Schwadron, Ph.D.
Art Unit No. 1644

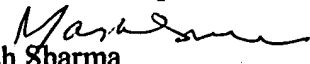
Dear Sirs:

The application referred above was abandoned by the Examiner Schwadron for not responding within given time, to a communication from the examiner on a very small mistake in submitting a sequence of amino acids of a reagent used in an assay for testing the invention. The applicant now acting on his own behalf states as follows:

1. The said communication was never received by the applicant or his attorneys Milbank Tweed or Mr. Jack Matney the attorney of the record. The correspondence with Mr. Matney and Milbank Tweed is submitted as evidence to this fact (Exhibit A - 3 pages).
2. The applicant has been very diligent and prompt in responding to the examiners in for last 24 years of his career as inventor and has always responded to the examiner's communications in time.
3. This abandonment has occurred because of no fault of the applicant or his attorneys of record.

In view of the facts stated above, it is humbly requested that the application may be revived and returned active pending files for further prosecution of the case. It is also requested that no penalty or fee be charged for this revival. Fees due as applicable for small entity is submitted.

An amended and corrected sequence mandatory section <213> is submitted herewith as a response to the examiners as requested.


Yash Sharma
8210 Labbe Lane, Vienna, VA 22182

Phone (703) 560-7970

From: "Yash P. Sharma" <ysharma@worldnet.att.net>
To: "Jack Matney" <jmatney@crowell.com>
Subject: Lukor patent
Date: Sat, 10 May 2003 13:57:17 -0400

Dear Jack:

yesterday, I got a notice from Mr. Busby from US patent office that our application was abandoned because we did not reply to examiner's office action of 9/14/2002, I do not see it in the files they sent to me, They did not also call me about this, you did not also know about it. What can we do, please call me asap at home at (703) 560-7970.

Yash

Dr. Sharma,

If there was a communication received from the U.S. Patent and Trademark Office, it would have been placed in the file, just as all of the other communications, including the Notice Of Abandonment you mentioned in your email, have been placed in the file. I would remind you that in the past you chose to handle prosecution on your own in many instances, so it is possible that you have misplaced the 9/16/02 Office Action. For example, it was only at my insistence in January 2003 that we prevented another one of your applications that you were prosecuting on your own from going abandoned. In that application, there were many communications from the USPTO that we never received because you called the Examiner directly and bypassed Milbank.

I suggest that you immediately call the Examiner that is now handling application # 09/476, 677. There are relatively simple procedures for reviving patent applications that have gone abandoned.

We wish you the best of luck in your future endeavors.

Bob Busby
Milbank
Intellectual Property Litigation
International Square Building
1825 Eye St., N.W. Suite 1100
Washington, D.C. 20006
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rbusby@milbank.com

-----Original Message-----

From: Yash P. Sharma [mailto:ysharma@worldnet.att.net]
Sent: Saturday, May 10, 2003 6:00 PM
To: RBusby@milbank.com
Subject: Re: Files

Dear Mr. Bsuby:

Now, regarding a letter on the other case pplication # 09/476, 677 related to Glycolyl Neuraminic acid, you sent me a notice of abandonment that says we did not reply to Examiner Ron Scwadron's letter of 9/16/2002, so the application is abandoned. I did not see this letter of 9/16/2002 in the file. I did not know about this either, nor did Jack Matney mentioned it to me. I am sure this was not received by Milabank or by jack Matney. I do not know what this letter was about either

Now, can you please check in your office, if this was indeed received and was overlooked, and also what if any thing we can do to reinstate this application, that was close to being approved, since in the August 14, 2002 communication they just wanted a copy of a floppy disc containing amino acid sequence of a reagent for printing etc.

Please help me this time, as Milbank was still representing me at that time.

Yash Sharma